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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,085	12/30/2003	Jacob H. Morelissen	25355A	7960
22889	7590	08/15/2006	EXAMINER	
OWENS CORNING 2790 COLUMBUS ROAD GRANVILLE, OH 43023			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,085	<b>Applicant(s)</b> MORELISSEN ET AL.	
	<b>Examiner</b> Yvonne M. Horton	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-24 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-24 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3,14-18,29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,096,033 to FRANCK et al. in view of US Patent #3,583,522 to TOLEDO et al.

In reference to claim 1, FRANCK et al. discloses a ceiling panel having a main frame similar to (23,24) and (39,40,43,44), at least two crossing members (31,32) and (41,42), and facing material (33,34) and (38) adhered to the main frame (23,24) and (49,40,43,44). FRANCK discloses the basic claimed ceiling panel except for specifically forming the ceiling panel facing from a veil material. Although FRANCK et al. does not form his material from a veil material (fabric) containing glass fibers, he does; however, disclose that his facing is formed from a polymeric transparent material. TOLEDO et al. teaches that it is known in the art to form a ceiling panel (10) out of a plastic/resinous material that contains glass fibers such as polyester. Hence it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the panel of FRANCK out of the glass fiber resinous plastic material of TOLEDO et al. in order to create a ceiling panel that is not only pleasantly appealing, but that is also porous and that also has sound dampening properties. Further, the applicant has disclosed and claimed the material of his facing as being made from several different

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materials such as veil, textile, fabric, polymeric film, foils, etc. Thus, the applicant has shown no criticality for the selection of one material over the other. Hence, it would have also been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended as an obvious matter of design choice. In reference to claim 2, the main frame (23,24) and (39,40,43,44) and crossing members (31,32) and (41,42) are one-piece, column 1, lines 17-19. Regarding claim 3, the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42) are molded plastic, column 1, lines 17-19. In reference to claim 14, the main frame (23,24) and (39,40,43,44) is square. Regarding claim 15, the crossing members (31,32) and (41,42) are arranged in an X-shape".

Claims 1-3,11-18 and 26-30 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,096,033 to FRANCK et al. in view of US Patent #6,305,495 to KEEGAN.

In reference to claim 1, FRANCK et al. discloses a ceiling panel having a main frame similar to (23,24) and (39,40,43,44), at least two crossing members (31,32) and (41,42), and facing material (33,34) and (38) adhered to the main frame (23,24) and (49,40,43,44). FRANCK discloses the basic claimed ceiling panel except for specifically forming the ceiling panel facing from a veil material. Although FRANCK et al. does not form his material from a veil material (fabric), he does; however, disclose that his facing is formed from a polymeric transparent material. The applicant has disclosed and claimed the material of his facing as being made from several different materials such as veil, textile, fabric, polymeric film, foils, etc. Thus, the applicant has shown no

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criticality for the selection of one material over the other. Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended as an obvious matter of design choice. Further, KEEGAN teaches that it is known in the art to provide a ceiling panel (as shown in figure 3) with a "veil-like" facing, column 4, lines 28-38. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ceiling panel of FRANCK et al with a veil facing, as taught by KEEGAN, in order to create a ceiling panel that is light weight, yet rigid and has a very high strength to weight ratio, and is fairly flexible. In reference to claim 2, the main frame (23,24) and (39,40,43,44) and crossing members (31,32) and (41,42) are one-piece, column 1, lines 17-19. Regarding claim 3, the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42) are molded plastic, column 1, lines 17-19. In reference to claims 11,12, 26 and 27 again, the applicant has shown no criticality for the selection of a textile material over a veil material, and is thus a selection of obvious design choice. Further regarding claims 12 and 27 and in reference to claims 13 and 28, the material as taught by KEEGAN is a film that is adhered to the main frame. Regarding claim 14, the main frame (23,24) and (39,40,43,44) is square. Regarding claim 15, the crossing members (31,32) and (41,42) are arranged in an X-shape".

In reference to claim 16, discloses the method of making a ceiling panel including the steps of providing a main frame (23,24) and (39,40,43,44), providing first and second crossing members (31,32) and (41,42), providing a facing material (33,34) and

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(38), affixing the facing member to the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42). Regarding claim 17, the main frame (23,24) and (39,40,43,44) and crossing members (31,32) and (41,42) are one-piece, column 1, lines 17-19. Regarding claim 18, the main frame (23,24) and (39,40,43,44) and the crossing members (31,32) and (41,42) are extruded plastic, column 1, lines 17-19. In reference to claim 29, the main frame (23,24) and (39,40,43,44) is square. Regarding claim 30, the crossing members (31,32) and (41,42) are arranged in an X-shape".

Claims 4-9 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,096,033 to FRANCK et al. in view of US Patent #6,305,495 to KEEGAN. FRANCK et al. discloses the basic claimed structure except for the specific material of the main frame and cross members and except explicitly detailing that the main frame and crossing members are welded. FRANCK et al. discloses that his ceiling member is made from plastic; however, he is not particular as to the type of material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the main frame and crossing members out of a flame retardant plastic material since it would have been obvious to select a known material on the basis of its suitability for the use intended as an obvious matter of design choice. If the panel is being used in an environment known for exposure to excessive moisture, perhaps plastic is suitable. However, if excessive water or moisture is not an issue, then may be a steel or aluminum panel would be appropriate.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in part view of the new ground(s) of rejection.

Applicant's arguments filed 06/01/06 have been fully considered but they are not persuasive. Regarding the applicant's argument that KEEGAN does not detail the "veil facing containing glass fibers" as required by the claims, clearly column 4, lines 28-38 of KEEGAN details a non-woven glass filament fiber facing.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

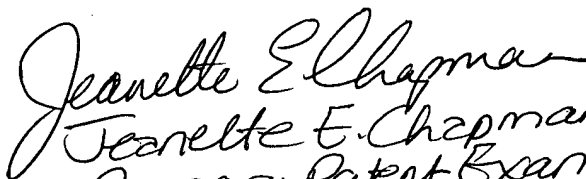
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
YMH  
08/07/06

  
Jeanette E. Chapman  
Primary Patent Examiner  
Art Unit 3635